



News Release

Communications New Brunswick

New Brunswick Human Rights Commission

New guideline on accommodating students with a disability (07/10/15)

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FREDERICTON (CNB) - The New Brunswick Human Rights Commission has developed a new guideline on the duty to accommodate students with a disability in public or private schools from kindergarten to grade 12.

"The commission prepares guidelines as part of its prevention mandate to help people understand their rights and obligations under the *Human Rights Act*," said Human Rights Commission chair Dr. Gordon L. Porter. "We hope this guideline will help educators and parents avoid disputes about accommodation and lead to a reasonable resolution of any problems that may arise."

The legal analysis of accommodating students with a disability in this guideline is not new. It is based on existing human rights statutes and the decisions of courts and human rights tribunals.

The duty to reasonably accommodate a student with a disability includes an obligation to include students with a disability in regular classrooms, to permit absences from school due to a disability, and to protect students with a disability from harassment by staff and other students. It also includes an obligation to reasonably accommodate disabled parents of students who may or may not have a disability.

Examples of accommodation are wheelchair ramps, alternative teaching methods, special equipment and support from teacher's assistants.

The guideline also spells out the responsibilities of schools, other service providers, labour unions, parents and students, and explains the legal limits to the duty to accommodate.

The goal of accommodating students with a disability is to ensure their fullest possible participation, in a timely manner and to the same extent as non-disabled students, not only in the classroom, but in all aspects of the educational experience, including co- and extra-curricular activities, and to ensure that they have the opportunity to meet their individual potential.

Reasonableness is a consideration in accommodation cases. Persons seeking accommodation are entitled to reasonable accommodation to the point of undue hardship, not necessarily the perfect solution nor their desired accommodation.

A similar duty to accommodate applies to students who need accommodation because of their religion,

sex or any of the 14 grounds of prohibited discrimination listed in the Human Rights Act.

The guideline is available on the website. The guideline and a pamphlet explaining the main points of the guideline will be published in November. The commission will also provide information sessions for educators and the public in school districts throughout the province.

07/10/15

MEDIA CONTACT: New Brunswick Human Rights Commission, 1-506-453-2301 or 1-888-471-2233.

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